

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Charleston Division

GREGORY LASKY,

Plaintiff,

v.

SCG PATRIOTS PLAZA, L.P.,

Defendant.

Civil Action No: 2:19-cv-01601-DCN

[State Court Case No. 2019-CP-10-1565]

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGE OF THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA, CHARLESTON DIVISION:**

The Defendant, SCG Patriots Plaza, L.P. (“Defendant”), by way of removal, pursuant to 28 U.S.C. § 1331, §1441(a) and (b), and §1446(a), (b) and (d), would respectfully show unto this Court:

1. This action was commenced by the filing of a Summons and Complaint on March 27, 2019, in the Court of Common Pleas for Charleston County, South Carolina. The Summons and Complaint were served on the Defendant on May 6, 2019. The action is now pending in the Court of Common Pleas for Charleston County, South Carolina, which is located within the Charleston Division of this Court by reason of 28 U.S.C. § 121(2). The Complaint alleges claims pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq (the “ADA”). The Complaint does not contain any other allegations outside of alleged violations of the ADA.

2. Thirty days have not elapsed since the receipt of the Complaint by Defendant upon whom it has been served and one year has not elapsed since the commencement of the state court action. The Defendant has not yet answered or pled responsively to the Complaint.

3. Pursuant to 28 U.S.C. §1441(a), the Defendant may remove to the District Court of the United States, for the district and division embracing the place where such action is pending, any civil action brought in a state court of which the district courts of the United States have original jurisdiction. Pursuant to 28 U.S.C. §1441(b), any civil action of which the district courts have

original jurisdiction founded on a claim or right arising under the Constitution or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

4. By virtue of 28 U.S.C. §§1331 and 1343(a), the United States District Court has original jurisdiction of any civil action for a claim under the ADA, 42 U.S.C. §12101, et seq.

5. By virtue of the foregoing, the Defendant hereby removes this action to the United States District Court for the District of South Carolina, Charleston Division.

6. Though none are asserted in the Complaint, this Court also has supplemental jurisdiction over any state law claims which derive from a common nucleus of operative fact with the Federal law claims. United Mine Workers v. Gibbs, 383 U.S. 715, 86 S.Ct. 1130, 16 L.E.2d 218 (1966).

7. The Defendant files herewith in this Court a copy of all process, pleadings and orders served by or upon them in this action, as a part of the Notice of Removal, which consists of the Summons and Complaint filed March 27, 2019.

8. The Clerk of Court for Charleston County, South Carolina, from which this action is removed, and Plaintiff's counsel shall be promptly given written Notice that the Removal has been filed and shall be provided a copy of the Notice of Removal.

WHEREFORE, the Defendant prays that this Notice of Removal be accepted as sufficient for removal of this action to this Court.

By: /s/ Jacob S. Barker

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2019, a true copy of the foregoing will be filed with the Court's CM/ECF System, which will generate a notice of electronic filing, to all counsel of record and that I will cause the foregoing to be served on Gregory Lasky in accordance with Rules 4 and 5 of the Federal Rules of Civil Procedure.

s/ Jacob S. Barker

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